

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

**METROPOLITAN LIFE INSURANCE
COMPANY,**

Plaintiff

v.

**NATIONAL COMMUNICATIONS
SYSTEMS, INC. d/b/a NATIONAL
BENEFITS COMMUNICATIONS, INC.,
et al.,**

Defendants.

Docket No. 97-2331 (DRD)

ORDER

SINGAL, Chief District Judge

Pursuant to this Court's Order on November 3, 2003, if Plaintiff determined that it needed further discovery before responding to Defendant's Motion for Summary Judgment (Docket # 353), Plaintiff was to have filed a motion seeking relief pursuant to Federal Rule of Civil Procedure 56(f) by November 6, 2003.¹ Plaintiff did not comply with this Order. Rather, on November 6, 2003, Plaintiff filed a motion entitled, "Plaintiff's Motion Advising the Court of Plaintiff's Intent to Conduct Discovery," which suggests that Plaintiff intends to move forward with additional discovery without seeking leave of the Court. Notably, Plaintiff's Motion does not seek relief pursuant to Rule 56(f), nor does it state that Plaintiff is unable to present "facts essential to justify the party's opposition" to the pending motion for summary judgment. Fed. R. Civ. P. 56(f).

In response to Plaintiff's November 6, 2003 Motion, Defendants filed a "Motion

¹ A copy of the Minutes of Proceedings from the November 3, 2003 Status Conference laying out all applicable deadlines is attached to this Order.

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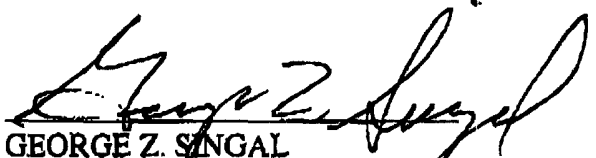
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Requesting Orders" on November 10, 2003. As explained below, this Motion is GRANTED IN PART.

This matter has languished on the Court's docket since 1997. Defendants filed the present motion for summary judgment over five months ago on June 6, 2003. To date, Plaintiffs have not responded to this motion. Pursuant to the Court's Deadlines issued on November 3, 2003, Plaintiff's response to this motion for summary judgment is due on November 24, 2003. Defendant's reply shall be filed on December 1, 2003. No additional discovery will be granted prior to the Court's receipt of these motion papers.

The parties are reminded that all filings shall comply with Local Rules 7 & 56. In accordance with Local Rule 7(b), if Plaintiff fails to file a response to the motion for summary judgment on or before the deadline reiterated above, the Court will deem Plaintiff's objection waived.

SO ORDERED.


GEORGE Z. SINGAL
Chief United States District Judge,
District of Maine, sitting by
designation

Dated this 13th day of November, 2003.

Nov-05-03 11:58am From-US District Court for Puerto Rico T-545 P 01/02 F-234

**UNITED STATES COURT FOR THE DISTRICT OF PUERTO RICO
BEFORE HONORABLE GEORGE Z. SINGAL**

MINUTES OF PROCEEDINGS Date: November 3, 2003.
CIVIL NO. 97-2331 (DRD)
COURTROOM DEPUTY: Omar Flaquer Mendoza

METROPOLITAN LIFE, Attorneys: **Jesus Cuza-Abdala**
Plaintiff,

v. **Juan Marchand-Quintero**
NAT'L COMMUNICATIONS, **Manuel San Juan**
et als.,
Defendants

A Status Conference is held today. It began at 2:10 P.M. and ended at 3:00 P.M. Parties advised the Court as to the status of the case. Pending before the Court are dockets nos. 335, 337, 351, 352, 355 and 359. The Court rules as follows:

<u>Docket #</u>	<u>Date</u>	<u>Ruling</u>
335	03/07/03	Dismissed without prejudice.
337	03/13/03	Dismissed without prejudice.
351	05/15/03	Moot
352	05/22/03	Moot
355	07/02/03	Moot
359	10/01/03	Granted (The Court issued an order today)

The Court provided parties with the following:

DEADLINES

As to the summary judgment, if there are not any discovery issues, plaintiff is granted until **November 24, 2003** to file its opposition to defendants' motion for summary judgment. Defendants shall reply by **December 1, 2003**. If plaintiff seeks discovery prior to filing its response, plaintiff shall formally file a Rule 56 (f) motion requesting discovery by **November 6, 2003**. Defendants shall reply by **November 10, 2003**. If the Court allows discovery, plaintiff is

Nov-05-03 11:59am From US District Court for Puerto Rico

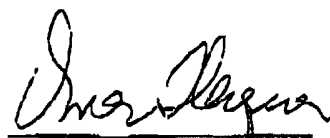
T-545 P. 02/02 F-234

CV. 97-2331 (GZS)

granted until **December 15, 2003** to oppose the summary judgment motion. Defendants shall make themselves available to be deposed by plaintiff. Defendants shall file any reply by **December 22, 2003**. Specific settlement proposals in writing must be provided to the defendants to plaintiffs by **November 12, 2003**. The plaintiff shall respond in writing by **November 11, 2003**. Parties shall notify Judge Singal in Portland, Maine either by fax or e-mail of all settlement proposals. Deadline for the parties to settle this case is **November 24, 2003**.

Count six (6) of the amended complaint is dismissed without prejudice. Previous order regarding recusal of plaintiffs is held in abeyance pending further consideration by the Court.

Should settlement not be attained, oral argument as to the disqualification issue regarding Goldman, Antonetti & Cordova and the summary judgment is set for **January 20, 2004 at 9:00 a.m.** Jury Trial is set for **March 1, 2004 at 9:00 a.m.** Deadlines are final. No extensions shall be granted.


Omar Flaquer Mendoza
Courtroom Deputy Clerk

Jury Clerk notified by telephone on November 4, 2003.